

HOUSE BILL REPORT

SSB 6761

As Passed House - Amended:

March 6, 2008

Title: An act relating to service areas for wetlands mitigation banks.

Brief Description: Regarding service areas for wetlands mitigation banks.

Sponsors: By Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Spanel and Rasmussen).

Brief History:

Committee Activity:

Ecology & Parks: 2/22/08, 2/27/08 [DPA].

Floor Activity:

Passed House - Amended: 3/6/08, 94-0.

Brief Summary of Substitute Bill (As Amended by House)

- Requires the Department of Ecology (DOE) to coordinate with the local government where a wetland mitigation bank would be located before approving a bank.
- Requires the DOE to set criteria for determining service areas.

HOUSE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass as amended. Signed by 8 members: Representatives Uptegrove, Chair; Rolfes, Vice Chair; Sump, Ranking Minority Member; Dickerson, Eickmeyer, Kristiansen, O'Brien and Pearson.

Staff: Jaclyn Ford (786-7339).

Background:

A wetland mitigation bank is a wetland, stream, or other aquatic resource that has been restored or created for the purpose of providing compensation for unavoidable impacts to

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aquatic resources. Units of mitigation can be bought from a wetland bank and credited as mitigation against projects with unavoidable wetland impacts.

The Department of Ecology (DOE) has rule making authority to select all criteria determining the service area for each bank. A service area is the geographic area in which a wetland bank can be used to offset impacts to other wetlands.

Summary of Amended Bill:

The DOE will coordinate with governmental agencies, including the local government where the bank is located prior to approving a bank. For wetland mitigation banks that have an application for a banking instrument filed January 1, 2008, or after, the local government the local government will have final approval over the certification of the mitigation bank.

The DOE will create criteria for determining service areas in order to restrict the maximum extent of the service area of a bank to the Water Resource Inventory Area (WRIA) where the bank is located. However, a service area may include parts of other WRIsAs if it is ecologically defensible and appropriate.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) Counties want consistency with all other county plans. The DOE already uses these criteria and likes the flexibility this bill provides.

(Opposed) There is no benefit or outcomes that would change the local approval process. The process already involves the local governments and this bill would not change anything, but this process is flawed. The banking here is difficult, and the process should be easier. This bill discourages banks from coming into Washington. Some counties have multiple WRIsAs and some banks would be put in jeopardy if this bill passed. The word "final" should be stricken in respect to counties because they already have a say in the approval process. The criteria in this bill would be difficult to enforce in statewide projects. There are places where it would be extremely difficult or costly to have a service area within a WRIA.

Persons Testifying: (In support) Lauren Driscoll, Department of Ecology; and Eric Johnson, Washington Association of Counties.

(Opposed) Steve Seg0, Habitat Bank Northwest; Rick Wickman, Port of Vancouver; and Mike Ryherd, Clear Valley Environmental Farm.

Persons Signed In To Testify But Not Testifying: None.